

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Jason A. McCullough
LaDonna M. McCullough
aka LaDonna M. Johnson, aka LaDonna M. Simmons
Debtor(s)

Bankruptcy Case No.: 17-21066-CMB
Issued Per Apr. 24, 2017 Proceeding
Chapter: 13
Docket No.: 32 - 12
Concil. Conf.: October 5, 2017 at 10:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated March 20, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☒ B. The length of the Plan is increased to a total of 60 months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Oct. 5, 2017 at 10:30 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☒ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: PA Department of Revenue at Claim No. 7; Wells Fargo Bank at Claim No. 9 .
- ☒ H. Additional Terms: the claim of Sierra Auto Finance at Claim No. 5 shall be paid per stipulation.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: May 1, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

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 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Jason A. McCullough
 LaDonna M. McCullough
 Debtors

Case No. 17-21066-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

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 Total Noticed: 31

Date Rcvd: May 01, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 03, 2017.

db/jdb
 cr Jason A. McCullough, LaDonna M. McCullough, 302 E 4th St, Derry, PA 15627-1618
 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 14385354 Berkheimer Tax Innovations, PO Box 25153, Lehigh Valley, PA 18002-5153
 14385355 Blue Sky Realty, 362 N Park St, Sykesville, PA 15865-1138
 14385356 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One Bank USA N, 15000 Capital One Dr,
 Richmond, VA 23238-1119)
 14385357 +Client Services Inc., 3451 Harry S Truman Blvd, Saint Charles, MO 63301-9816
 14398214 +First National Bank of Omaha, c/o Brumbaugh and Quandahl, P.C.,
 4885 S. 118th Street, Ste 100, Omaha, NE 68137-2241
 14398754 +Harley-Davidson Credit Corp., PO Box 9013, Addison, Texas 75001-9013
 14385361 Latrobe Hospital, 1 Mellon Way, Latrobe, PA 15650-1197
 14385363 Nelnet/US Dept Education, PO Box 740283, Atlanta, GA 30374-0283
 14385364 Onemain, PO Box 1010, Evansville, IN 47706-1010
 14385365 PA Department of Revenue, PO Box 280432, Harrisburg, PA 17128-0432
 14386049 +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14385366 +Pittsburgh Technical College, 1111 McKee Rd, Oakdale, PA 15071-3205
 14385371 Southern CA, 2420 Professional Dr, Rocky Mount, NC 27804-2253
 14385372 ++WELLS FARGO BANK NA, WELLS FARGO HOME MORTGAGE AMERICAS SERVICING,
 ATTN BANKRUPTCY DEPT MAC X7801-014, 3476 STATEVIEW BLVD, FORT MILL SC 29715-7203
 (address filed with court: Wells Fargo Home Mortgage, 8480 Stagecoach Cir,
 Frederick, MD 21701-4747)
 14405149 Wells Fargo Bank, N.A., Default Document Processing, MAC# N9286-01Y,
 1000 Blue Gentian Road, Eagan, MN, 55121-7700
 14385373 Westmoreland Emer Medical Specialists, PO Box 1348, Indiana, PA 15701-5348

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14385358 E-mail/Text: cio.bncmail@irs.gov May 02 2017 03:27:13 Department of Treasury,
 PO Box 804527, Cincinnati, OH 45280-4527
 14385359 E-mail/Text: electronicbkydocs@nelnet.net May 02 2017 03:27:49 Dept of Education/Nelnet,
 121 S 13th St, Lincoln, NE 68508-1904
 14385360 E-mail/Text: bankruptcy.notices@hdfsi.com May 02 2017 03:28:15 Esb/Harley Davidson Credit,
 PO Box 21829, Carson City, NV 89721-1829
 14385362 E-mail/Text: electronicbkydocs@nelnet.net May 02 2017 03:27:49 Nelnet Claims,
 PO Box 82505, Lincoln, NE 68501-2505
 14400436 E-mail/PDF: cbp@onemainfinancial.com May 02 2017 03:20:21 ONEMAIN FINANCIAL,
 P.O. BOX 3251, EVANSVILLE, IN 47731-3251
 14385368 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 02 2017 03:38:08
 Portfolio Recovery Associates, PO Box 12914, Norfolk, VA 23541-0914
 14400357 E-mail/Text: RVSVCBICNOTICE1@state.pa.us May 02 2017 03:27:29
 Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,
 Harrisburg, Pa. 17128-0946
 14385367 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 02 2017 03:19:54
 Portfolio Recovery Ass, 120 Corporate Blvd Ste 1, Norfolk, VA 23502-4952
 14390469 E-mail/PDF: RACBANKRUPTCY@BBANDT.COM May 02 2017 03:20:26 Regional Acceptance Corporation,
 PO Box 1847, Wilson, NC 27894-1847
 14385369 E-mail/PDF: RACBANKRUPTCY@BBANDT.COM May 02 2017 03:20:26 Regional Finance Corp,
 550 Ohio Pike Unit F, Cincinnati, OH 45255-3472
 14385370 E-mail/Text: BKInquires@sierraautofinance.com May 02 2017 03:28:15 Sierra Auto Finance,
 5005 Lyndon B Johnson Fwy Ste 700, Dallas, TX 75244-6145
 14398254 E-mail/Text: peritus@ebn.phinsolutions.com May 02 2017 03:28:25
 Sierra Auto Finance c/o Peritus Portfolio Services, P.O. Box 141419, Irving, TX 75014-1419
 14393423 +E-mail/Text: electronicbkydocs@nelnet.net May 02 2017 03:27:49 U.S. Department of Education,
 C/O Nelnet, 121 South 13th Street Suite 201, Lincoln, NE 68508-1911

TOTAL: 13

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Harley-Davidson Credit Corp
 cr Regional Acceptance Corporation
 cr Sierra Auto Finance LLC
 cr Wells Fargo Bank, N.A.
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTALS: 4, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 31

Date Rcvd: May 01, 2017

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 03, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 1, 2017 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Harley-Davidson Credit Corp bkgroup@kmlawgroup.com
Martin A. Mooney on behalf of Creditor Sierra Auto Finance LLC tshariff@schillerknapp.com,
tshariff@ecf.courtdrive.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Peter J. Ashcroft on behalf of Creditor Regional Acceptance Corporation
pashcroft@bernsteinlaw.com,
ckutch@ecf.courtdrive.com;pashcroft@ecf.courtdrive.com;pghecf@bernsteinlaw.com;cabbott@ecf.courtdrive.com
Robert H. Slone on behalf of Joint Debtor LaDonna M. McCullough robertslone223@gmail.com,
rslone@pulsenet.com;G17689@notify.cincompass.com
Robert H. Slone on behalf of Debtor Jason A. McCullough robertslone223@gmail.com,
rslone@pulsenet.com;G17689@notify.cincompass.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com
Thomas Song on behalf of Creditor Wells Fargo Bank, N.A. thomas.song@phelanhallinan.com
TOTAL: 9